

WEISS & WEISS
ERIC WEISS, ESQ. (EW 2400)
Attorneys for Plaintiffs
1250 Central Park Avenue
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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

-----x

TOUGH CITY, INC. and SAMIR RAJPUT,

Civil Action 07 Civ. 06626 (NRB)

Plaintiffs,

v.

NOTICE OF MOTION

XENS, INC.,

Defendant.

-----x

Sir or Madam:

PLEASE TAKE NOTICE, upon the annexed affirmation of Eric Weiss, Esq., dated the 19th day of November, 2007, plaintiffs Tough City, Inc. and Samir Rajput, by their attorneys, Weiss & Weiss, shall hereby move this court, before the Honorable Naomi Reice Buchwald, U.S.D.J., at the United States Courthouse, 500 Pearl Street, New York, NY 10007, pursuant to F.R.C.P. Rule 55(b)(2), for an order entering judgment in favor of the plaintiffs and against the defendant Xens, Inc. for the relief requested in its Complaint, due to the failure of Defendant Xens, Inc. to respond to plaintiffs' Complaint in this matter.

Dated: Yonkers, New York
November 19, 2007

Respectfully submitted,

/s/
ERIC WEISS (EW 2400)
WEISS & WEISS
Attorneys for Plaintiffs
1250 Central Park Avenue
Yonkers, NY 10704
(914) 375-0431

To: Xens, Inc.
7629 Somerset Boulevard
Paramount, CA 90723

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TOUGH CITY, INC. and SAMIR RAJPUT,
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AFFIRMATION IN SUPPORT

XENS, INC.,

Defendant.

-----x

Eric Weiss, Esq., hereby affirms the following under penalties of perjury:

1. I am a partner in the firm of Weiss & Weiss, attorneys for plaintiffs, Tough City, Inc. and Samir Rajput, in the above-referenced matter and, as such, am fully familiar with the facts and circumstances of this matter.
2. That on August 7, 2007, plaintiffs served its Summons and Verified Complaint upon Xens, Inc., defendant in this matter. A copy of the Affidavit of Service was filed electronically with the Court on November 6, 2007.
3. Our office, to date, has not received any response from the defendant, Xens, Inc., to the Summons and Complaint.
4. Plaintiffs therefore request that this Court issue an order granting judgment in favor of plaintiffs and against defendant Xens, Inc. A proposed order is also being filed with this Motion.

Dated: Yonkers, New York
November 19, 2007

_____Eric Weiss_____

Eric Weiss (EW-2400)

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